

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

JAY BRODSKY,

Plaintiff,

V.

CAMPBELL SOUP COMPANY D/B/A
PEPPERIDGE FARM, INC.,

Defendant.

2. The original Complaint was not subject to removal to federal court. It alleged only a single cause of action alleging a violation of state law: Discrimination under the Virginia Human Rights Act. Furthermore, the amount in controversy with respect to this cause of action did not exceed \$75,000.

3. On January 26, 2024, Plaintiff filed a Bill of Particulars in state court. The Bill of Particulars specifically asserted, for the first time, that Plaintiff “invoke[d] his rights under [the] Virginia Human Rights Act . . . *and the ADA.*” Bill of Particulars ¶ 6 (emphasis added). Thus, Plaintiff’s Bill of Particulars asserted a federal question under 28 U.S.C. § 1331.

4. Defendant’s Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b) because the Notice of Removal was filed no later than thirty (30) days after Defendant received the Bill of Particulars which for the first time made the action removable. *See* 28 U.S.C. § 1446(b)(1).

5. This Court has original jurisdiction over this action under 28 U.S.C. § 1331 because it involves claims and/or issues arising in whole or in part under the Constitution, laws, or treaties of the United States.

6. More specifically, the Bill of Particular involves the following federal question of Failure to Accommodate under the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12101, *et seq.*

7. This Court has supplemental jurisdiction over Plaintiff’s state law claim pursuant to 28 U.S.C. § 1367(a) because the state law claim is so related to the federal question that they form part of the same case or controversy.

II. VENUE

8. Venue is proper in this Court because this District embraces the Fairfax County General District Court, the forum from which the case has been removed. *See* 28 U.S.C. § 1441(a).

III. NOTICE

9. Concurrent with filing this Notice of Removal, Defendant will file a Notice of Removal to Federal Court with the Clerk of the General District Court of Fairfax County and will attach a copy of this Notice of Removal thereto. A copy of the Notice of Removal to Federal Court is attached hereto as **Exhibit B**.

IV. MISCELLANEOUS

10. This action has not previously been removed to federal court.

**CAMPBELL SOUP COMPANY and
PEPPERIDGE FARM, INCORPORATED**
By Counsel

/s/ John E. Thomas, Jr.

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*Counsel for Defendant Campbell Soup Company
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CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2024, I filed the foregoing with the Clerk of the Court using the CM/ECF system and a copy was sent via electronic mail and first-class mail, postage prepaid to:

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